

May 17 01 17:26 Montelione CABM
MAY-11-2001 08:14 FROM LAW OFFICES

1 732 235 5633 P.2
TO 17322355633 P.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RU-0075
Inventors: Anderson et al.
Serial No.: 09/181,601
Filing Date: October 29, 1998
Examiner: J. Fredman
Group Art Unit: 1655
Title: Linking Gene Sequence to Gene Function
by Three Dimensional (3D) Protein
Structure Determination

I, Jane Massey Licata, Registration No. 32,257, certify that
this correspondence is being deposited with the U.S. Postal
Service as First Class mail in an envelope addressed to the
Assistant Commissioner of Patents, Washington, D.C. 20231.

On this date: June 13, 2001

Jane Massey Licata
Jane Massey Licata, Registration No. 32,257

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION BY GAETANO MONTELIONE, Ph.D.

I, Gaetano Montelione, Ph.D., hereby declare that:

1. I am an inventor on U.S. Patent Application No.
09/181,601, filed October 29, 1998, which claims the benefit of
U.S. Provisional Application No. 60/063,679, filed October 29,
1997.

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1 732 235 5633 p.3
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Attorney Docket No.: RU-0075
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Filing Date: October 29, 1998
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2. I have reviewed the Office Action dated February 15, 2001 wherein the Examiner rejected the claims over a published paper by Wallace et al. (1996). I have reviewed this paper as it applies to my invention and have the following comments.

3. The paper by Wallace et al. (1996) teaches derivation of 3-dimensional coordinate templates that have been derived from known 3-dimensional protein structures which are provided in a database and then determination of biochemical function based on the existence of the known 3-dimensional structures. Moreover, the method of Wallace et al. (1996) is based on identification of a triad of amino acids, Ser-His-Asp, that occur in a 3-dimensional configuration to form an active site. Nowhere does this paper teach or suggest a protein domain larger than 3 amino acids. In my invention, the protein domain comprises 50-300 amino acids. Therefore, the teachings of Wallace and colleagues are fundamentally different from our claimed method.

4. In suggesting that the paper by Wallace et al. (1996) teaches our invention, the Examiner is apparently confusing the numbering of an amino acid in its sequence, such as Ser_{1,111}, with determination of how many amino acids have been identified.

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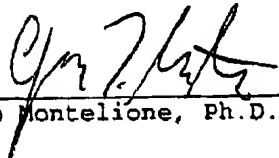
TO

17322355633 P.04

Attorney Docket No.: RU-0075
Inventors: Anderson et al.
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However, the method of Wallace et al. clearly is not identifying a domain with the specified 50 to 300 amino acids as in the present invention.

I hereby declare that all statements herein of our own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or by imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.


Gaetano Montelione, Ph.D.